IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated : Nainital the July 18, 2006
Criminal Bail Application No. 616 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Ishwar Das s/o Sukh Rm Das
R/o Rani Gali Bhopatwala
Police Station Kotwali Haridwar
District Haridwar …Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 6 of 2006
Under Section 364, 302, 201 of I.P.C.
Police Station Kotwali Haridwar
District Haridwar

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 6 of 2006 under Sections 364, 302, 201 of I.P.C. Police Station Kotwali Haridwar, District Haridwar.

Heard Sri Vivek Shukla, learned counsel for the applicant, learned A.G.A. and perused the record.

It was contended on behalf of the learned counsel for the applicant that the case rests on circumstantial evidence. It was further contended that Subhash Giri, Om Prakash and Ravi Katiyal are the witnesses who had lastly seen the deceased in the company of the accused/applicant. It was further contended that the other circumstance which has been shown against the applicant is the discovery of danda from the orchard and that was kept in hay. It is also alleged that some parts of the body was recovered at the instance of the brother of the present applicant. It was further contended that according to the confessional statement made to the police, he had taken the body of the deceased from the house to the orchard and the rest of the

accused were not with him. It was further contended that the last seen witness has stated that he has seen all the witnesses coming from the house towards gali. It was further contended that the report was lodged on 07.01.2006 after inordinate delay and the incident took place on 30/31.12.2005. It is also revealed from the statement recorded by the police that there was a dispute of partition of the house. It was further contended that there is no complete chain of the circumstance as has been alleged against the accused/applicant.

Considering the facts and circumstances of the case in totality, it is a fit case for bail at this stage.

Let the applicant be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

18.07.2006
ASWAL